



## Croatia

### Country Reports on Human Rights Practices - [2004](#)

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The Republic of Croatia is a constitutional parliamentary democracy with an independent presidency. The President, Stjepan Mesic, formerly of the Croatian People's Party, but now independent, serves as head of state and commander of the armed forces, oversees foreign policy and the intelligence service, and nominates the Prime Minister who leads the Government. The November 2003 parliamentary elections were generally free and fair, despite some irregularities. The Constitution provides for an independent judiciary; however, the judiciary continued to suffer from political influence at the local level.

The Ministry of Interior (MUP) oversees the civilian national police, and the Ministry of Defense oversees the military and military police. The national police has primary responsibility for internal security; in times of disorder, the Government and President may call upon the military to provide security. Civilian authorities maintained effective control of the security forces. Some members of the security forces committed isolated human rights abuses.

The Government worked towards creating a market-based economy. The population of the country was approximately 4.4 million and real gross domestic product increased by 3.7 percent. According to the International Labor Organization (ILO), the average unemployment rate was 13.8 percent. Wages kept pace with inflation.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Twenty-five ethnic Serbs remained incarcerated after being convicted in nontransparent politicized trials in past years. Lower courts were occasionally subject to political influence, and the judicial system suffered from bureaucratic inefficiency, insufficient funding, and a severe backlog of cases. The Government made efforts to address the problem of witnesses sometimes changing their testimony due to intimidation and an often-hostile local public. The Courts largely discontinued the practice of pursuing mass and in absentia trials. Restitution of occupied property to refugees (mostly ethnic Serbs) returning to the country improved during the year, with most (all but 54) illegally occupied properties vacated; however, while significant progress occurred, property restitution remained a problem. The Government did not interfere in the editorial decisions of the print media; however, electronic media was susceptible to political pressure and attempts were made to influence reporting on the two national television stations. Governmental interference in the formation and operation of associations and nongovernmental organizations (NGOs) was limited. Restitution of nationalized property from the Second World War era remained a significant unresolved problem for all religious communities. There were some incidents of violence and harassment of religious minorities. Cooperation with the International Tribunal for the former Yugoslavia (ICTY) improved noticeably, although questions remained regarding the Government's ability to apprehend and deliver a prominent Croatian indicted for war crimes. Violence and discrimination against women occurred. Occasional violence continued toward ethnic minorities, particularly Serbs and Roma; some faced serious discrimination. Ethnic tensions in the war-affected areas were less pronounced than in previous years, and abuses, including ethnically motivated harassment and assaults, occurred less frequently. Trafficking in women was a problem.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom from:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

Domestic courts continued to adjudicate cases arising from the 1991-95 conflict in the country and Bosnia and Herzegovina (BiH)(see Section 1.e.).

During the year, 14 persons were killed, 13 of whom were civilians, in landmine incidents in the regions of Karlovac, Sisak, Vukovar, Osijek, Slavonski Brod, and Zadar.

## b. Disappearance

There were no reports of politically motivated disappearances.

Government figures during the year showed that 1,176 persons, mostly ethnic Croats, and 820 ethnic Serbs remained missing in unresolved cases from the 1991-95 military conflict. Of the 3,999 victims that have been exhumed from mass and individual graves since the war, 3,187 have been positively identified. The International Commission on Missing Persons (ICMP) assisted in the recovery and identification of individuals' remains and helping families of missing persons.

During the year, the bodies of 74 persons missing from the 1991-95 war were exhumed from mass and individual graves. The Government handled all exhumations and identifications, with the ICTY and international experts serving primarily as monitors.

In November, the Bureau for Missing Persons collaborated with the ICMP on a project to take blood samples from approximately 750 family members of persons who were missing in BiH, Serbia and Montenegro (SaM) and in the country. The European Union (EU) funded the procedure. The Bureau also signed an agreement on a joint longer-term project with the ICMP to exchange blood samples of the missing persons' families.

## c. Torture and Other Cruel, Inhuman, or Degrading

### Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that government officials employed them.

NGOs and individuals reported sporadic police abuse and discriminatory treatment demonstrated toward ethnic minorities. For example, in March, three special police members beat an ethnic Serb trainee at the Zagreb Police Academy sports facility. In July, the police issued a report against the perpetrators for physical assault in a public place, but no disciplinary measures were undertaken pending the misdemeanor court ruling on the case.

In April, a young man reported to the Croatian Helsinki Committee (HHO) that that police in Rijeka beat him and pressured him to withdraw power of attorney. The Internal Control unit of the police confirmed that coercive measures were used but stated that it was because he resisted arrest and attacked police officials. The man reported the incident to the HHO which followed the case; however, after receiving the response from police, no further action was taken by any party. In July, two policemen in Varazdin beat a young man during questioning, causing internal bleeding that required surgery. The case was widely publicized, and the media reported that the police took 1 week to identify the officers responsible. The trial of the suspected officers was ongoing at year's end.

In December, two police officers from Vinkovci reportedly physically harassed and injured two men during an interrogation. The officers were disciplined for failure to report to their superiors on the interrogation. The Vukovar County police issued an apology, but denied that the injuries could have been inflicted during the interrogation. In December, the head of the opposition party sent an open letter to the Minister of Interior complaining about police violating human rights, overstepping their authority, and sanctioning those responsible only after the media reported the incidents. The police officially denied the allegations as a result of lack of information.

OSCE follow-up failed to confirm anecdotal reports of poor police performance during eviction proceedings and court-ordered action.

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. Men and women, juveniles and adults, and pretrial detainees and convicted prisoners were held separately.

## d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention and the Government generally observed these prohibitions in practice; however, there continued to be isolated reports that judges issued arrest warrants in war crimes cases on ethnic grounds.

There are approximately 21,000 police officers under the authority of the MUP. The intelligence service is under the authority of the Government and President. An independent oversight board monitors intelligence service performance.

Some tension continued at reduced levels between ethnic Serb and Croat police officers, particularly in the Danube region. The Government appeared to fulfill its obligation under the 1995 Erdut Agreement to maintain proportionality in the numbers of ethnic Serb and Croat police officers in Eastern Slavonia; however, minority representation in the police outside Eastern Slavonia remained negligible, and the Government had not fully implemented provisions in the Constitutional Law on National Minorities that require the hiring of minorities by year's end. Approximately 3 percent of the force were minorities. Of the 277 police recruits that completed training during the year, 20 percent were women and ethnic minorities.

International observers and human rights organizations generally praised the police for their integrity; however, corruption was believed to be a lingering problem among some police officers. In September, two senior police officers in Zagreb were arrested by authorities on corruption charges. The Ministry of Internal Affairs continued to update and codify rules of ethical police conduct and improve the capabilities of the police internal control section. Reforms were needed in the Ministry of Finance, to which the Customs Service reports, to improve ethical standards and internal control capabilities.

Weak police performance, including poor investigative techniques, insensitivity to ethnic issues, indecisive middle management, and susceptibility to pressure from hard-line local politicians, remained a problem, despite Government efforts to address it. These factors impeded development of local police capability. Throughout the year, the Ministry of Internal Affairs in coordination with the Organization for Security and Cooperation in Europe (OSCE) expanded a comprehensive program of police reforms, in part to extend community policing pilot programs to all regions of the country. In July, the Police Academy graduated its first training class under a completely redesigned basic police school developed with international assistance. During the year, the Police Directorate of the Ministry of Internal Affairs expanded on programs to provide in-service training for all active police officers; the goal of these programs was to ensure that every individual police officer received some form of advanced or refresher training at least once a year.

Police normally obtain arrest warrants by presenting evidence of probable cause to an investigative magistrate; however, police can make arrests without a warrant if they believe a suspect might flee, destroy evidence, or commit other crimes. The police have 24 hours to justify an arrest to a magistrate.

Detainees must be given access to an attorney of their choice within 24 hours of their arrest; if they have none and are charged with a crime for which the sentence is over 10 years' imprisonment, the magistrate appoints counsel. The Government generally enforced this in practice. The magistrate must decide whether to extend a detention for further investigation within 48 hours of an arrest. Investigative detention generally lasts up to 30 days; however, trial courts could extend the period up to 12 months in certain cases. Detainees may be released on their own recognizance pending further proceedings; however, most criminal suspects were held in custody pending trial. The option of posting bail after an indictment is available, but was not commonly exercised. Detainees are also allowed visits by family members.

On occasion, government officials failed to inform individuals of their rights. For example, in October, Intelligence Service counter-intelligence agents interrogated a freelance reporter without fully informing her of her rights. The Parliamentary Committee on Human Rights found that the Intelligence Service had violated her civil rights and, as a result, the head of the Counter-Intelligence Agency was removed in December.

There were several war crimes cases in which suspects were held in pretrial detention for several months on weak evidence.

The failure of some courts to issue timely written verdicts infringed on the appeals process and was a major cause of extended detention. Between January and October, the Constitutional Court issued 165 judgments finding unreasonable delays in lower and Supreme Court rulings and ordered the Government to pay \$272,000 (202,000 euros) in damages. This constituted nearly four times the number of similar rulings issued in 2003.

Arrests of ethnic Serbs for war crimes continued, but decreased throughout the year. Of the 23 Serbs arrested during the first 10 months of the year, 21 were subsequently released. In most cases, the Government dropped charges against the accused or granted amnesty. Prosecutors generally moved more quickly than in previous years to initiate criminal proceedings or drop charges altogether and free suspects, although delays still occurred at all stages of the judicial process. In some cases, lower courts failed to issue written verdicts in a timely manner, delaying the appeals process. Some courts also failed to promptly recommence proceedings when the Supreme Court called for a retrial. The Supreme Court also exceeded the 3-month period in which it must consider appeals when the defendant is in detention. In most cases of arrest on war crimes charges, the subject was released a few days after charges were dropped; however, in other cases, persons were detained for longer periods.

Although international observers noted some improvements during the year, several ethnic Serb defendants convicted in absentia or at nontransparent trials continued to be held in detention for extended periods while their appeals progressed slowly through the overburdened judicial system (see Section 1.e.).

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary continued to suffer from some political influence a backlog of approximately 1 million cases, and funding and training shortfalls.

Although the Constitution provides for the right to a fair trial and a variety of due process rights in the courts, the Constitutional Court determined that at times citizens were denied these rights and took corrective action. Excessive delays remained a problem; increasingly, the Constitutional Court awarded damages to persons whose trial had continued for numerous years without a decision. During the year, the European Court for Human Rights (ECHR) sanctioned the Government twice for unreasonable delays in property repossession cases. Additionally, the Government at times ignored Constitutional Court decisions, particularly with regard to the privatization of property. The ECHR adjudicated 22 cases against the Government and found violations in 20 cases. Most lawsuits were filed for lengthy trials, inaccessibility to the courts and damages caused by terrorist acts committed by the army and police. Out-of-court settlements were reached in an additional 44 cases.

The judicial system consists of municipal and county courts, commercial and misdemeanor courts, an administrative court, and the Supreme Court. The independent Constitutional Court determines the constitutionality of laws, governmental acts, and elections. Justices of the Constitutional Court are elected for 8-year terms by Parliament, while all other judges are appointed for life after a 5-year interim term. A parallel commercial court system adjudicates commercial and contractual disputes. The State Judicial Council (which consists of 11 members, including 7 judges, who serve 8-year terms) is independent of both the judiciary and the Ministry of Justice and is charged with the appointment and disciplinary of judges, including removal. The Chief State Prosecutor is appointed by Parliament and appoints the chief state attorneys at the county and municipal level; Deputy Prosecutors are appointed and disciplined by the High Prosecutorial Council.

Serb leaders continued to express concern about discrimination in the appointment of judges and reported that, on occasion, the State Judicial Council has either refused candidates or left positions vacant rather than appoint ethnic Serbs.

There continued to be isolated reports of political influence at the local level. Some judges made decisions in a nontransparent manner seemingly at odds with the evidence or the law. In August, the Supreme Court voided the not-guilty verdict and ordered a retrial in the Lora Prison war crimes case. Split County Court judge Slavko Lozina was criticized by the Court for his performance as presiding magistrate in the case against ethnic Croat prison guards charged with abuse and murder of ethnic Serb prisoners of war.

The inexperience and lack of systematic training programs, management standards, and systems for new judges, continued to be problematic. In March, the Ministry of Justice invested additional resources into the Judicial Academy (opened originally as the Center for the Professional Development of Judges and Other Justice Officials), which began implementing a continuing education program for judges.

Contributing to the judiciary's case backlog was the regular appointment of judges to serve on ad-hoc electoral commissions, reducing their time in the courtroom by as much as 20 percent. By year's end, the Government had not taken action on an OSCE recommendation to establish a permanent electoral commission.

Domestic courts continued to adjudicate cases arising from the 1991-95 war. Despite the increased number of war crime cases opened against police officers and members of the armed forces, questions remained about the criminal justice system's ability to conduct fair and transparent trials in these complex and emotionally charged cases. Observers blamed inadequate training, shortcomings in the legal code, frequent witness intimidation, and an often-hostile local public for hampering the war crimes adjudication process. In cooperation with the ICTY, the Ministry of Justice held a series of seminars from May to October to help prepare the judiciary to take on war crimes cases transferred from the ICTY.

International observers noted some improvement in the objectivity in war crimes decisions, but continued to express concern that the system was ethnically biased. Although improvements occurred in 2003, the OSCE concluded that war crimes prosecutions continued to be motivated more by ethnic considerations than by the impartial administration of justice.

Although the number of individuals facing war crimes prosecution during the year decreased compared to 2002 and 2003, the majority of defendants remained ethnic Serbs. There was still a significantly different rate of conviction and acquittal depending on the ethnic identity of the defendant; 67 percent of all ethnic Serbs were found guilty, whereas only 25 percent of Croats were found guilty. In addition, from January to October, Serbs represented 23 of 27 persons arrested, 3 of 3 indicted, 85 of 105 on trial, 9 of 12 acquitted, and 18 of 20 convicted. In absentia proceedings, despite some efforts to curtail the practice, were applied almost exclusively to ethnic Serb defendants.

During the year, the Parliament adopted amendments to the criminal code to bring legal definitions of war crimes into line with international conventions, ensuring the admissibility of ICTY evidence in the courts and introducing provisions covering command responsibility and assistance to perpetrators of war crimes. At year's end, it remained unclear whether these changes could be applied retroactively to cases stemming from the 1991-95 conflict.

In 6 of 20 war crimes convictions during the year, the county courts issued sentences below the 5-year minimum sentence. Two-thirds of all appeals during the year resulted in reversal of trial verdicts and remand for a new trial, primarily for the failure of the lower court to establish facts properly. There were no reported instances of court verdicts containing inflammatory and derogatory remarks about ethnic minorities, an improvement from the previous year.

In August, the Supreme Court overturned the Split County Court acquittal in the high profile Lora war crimes case, noting that the lower court had incompletely established facts and excluded crucial evidence. A new trial of the eight Croatian soldiers accused of the torture and murder of ethnic Serb prisoners was pending at year's end. While the panel of judges changed, the Split County Court continued to show bias in favor of the defendants, ruling in September against pretrial detention of the suspects, despite their previous failure to appear in court. When the Supreme Court overturned this decision in October, police were only able to apprehend four of the eight suspects. At year's end, the Supreme Court directed the State Prosecutor to broaden the indictment to include criminal acts committed against prisoners of war.

In March, the Supreme Court affirmed the 20-year prison sentence of Bosnian Fikret Abdic for the deaths of 121 civilian detainees and 3 military prisoners between 1993 and 1995.

In April, Lieutenant Nikola Ivankovic was sentenced to 12 years in prison in the Paulin Dvor case for participation in the 1991 killing of 19 ethnic Serb civilians. A second defendant, Sergeant Enes Viteskic, was acquitted. The victims were killed in Paulin Dvor in Eastern Slavonia and buried at a military warehouse. In 1997, their remains were secretly transferred to a mass grave near Gospic, where they were discovered by ICTY and Government investigators. The court had not issued a written verdict by year's end, delaying Ivankovic's appeal. The Government has not pursued any case regarding the transfer of the remains.

In June, Stanislov Gavron, a former member of the Croatian special police unit, was acquitted by the Sisak County Court in the killing of a Serb civilian in 1992.

In July, the Vukovar County Court convicted six Serbs in the Borovo group for war crimes against civilians, sentencing them from 7 to 15 years in prison. The Humanitarian Law Center, a Belgrade-based NGO, monitored the proceedings and concluded that the procedures met the standards of a fair trial; however, there were some irregularities regarding the atmosphere in the courtroom.

In September, the second retrial of Mihajlo Hrastov, a former Croatian member of the Karlovac Police Special Forces, for the murder of 13 unarmed Yugoslav National Army prisoners of war near Karlovac in 1991, began at the Karlovac County Court. The Supreme Court overturned two previous acquittals of Hrastov.

Although OSCE observers reported that Hrastov supporters in the courtroom continued to create an atmosphere of intimidation for prosecution witnesses and court officials, the Supreme Court denied the Prosecutor's request to relocate the trial.

In October, the Gospic County Court acquitted Serb Nikola Cvjeticanin for war crimes against civilians after 33 months of detention. While his 2002 conviction was overturned by the Supreme Court in 2003, the County Court did not begin his retrial until May.

The appeal of the acquittal of four retired Croatian soldiers, charged with killing two elderly Serb civilians near Sibenik in 1995, remained pending before the Supreme Court.

Bilateral legal discussions on the arrest and extradition from Australia of former policeman Antun Gudelj, who was convicted and then improperly amnestied in 1997 for the 1991 murder of Osijek police chief Josip Reihl-Kir, continued at year's end.

The 1996 Law on General Amnesty does not apply to war crimes. When investigations failed to substantiate original charges of war crimes, courts have lowered charges and convicted defendants, allowing them to grant defendants amnesty. This resolves the case for the court without further investigation and allows the defendant to go free, but disregards the future repercussions this criminal record may have on potentially innocent defendants, particularly in seeking employment.

In October, the chief State Prosecutor completed a case-by-case review of open war crimes investigations. Approximately 2,000 cases were dropped as a result of the 2-year review, while 1,900 remain pending.

Most courts discontinued the practice of convicting persons in mass in absentia trials, in part due to efforts by the chief State Prosecutor and the Minister of Justice. In cases monitored by the OSCE during the year, five convictions were in absentia, all ethnic Serbs. Defendants convicted in absentia regularly made use of their guaranteed right for a retrial.

In September, the Gospic County Court acquitted ethnic Serb Dane Serdar in a retrial of his in absentia war crimes conviction in 1994. Serdar spent 11 months in detention after returning to the country in 2003, leading the State Judicial Council to fine County Court President Pavle Rukavina for delays in calling a retrial.

The Vukovar County Court trial against 18 former members of a Serb paramilitary unit who were charged with genocide and war crimes in the 1991 attack and subsequent occupation of the town of Lovas in Eastern Slavonia continued at year's end. Only one of the accused was present during the trial.

In October, the Zadar County Court acquitted Milenko Radak, former commander of a Serb rebel unit, for war crimes against civilians in the village of Skabrnja in 1991. Although the court determined Radak participated in the attack on the village, testimony indicated that he had not played a role in the execution of civilians. Radak spent 15 months in detention.

At year's end, approximately 21 individuals remained incarcerated on war crimes or related charges based on politicized or nontransparent trials. For those who had exhausted their appeal procedures, there was no mechanism to review their cases other than seeking pardons. There were no other reports of prisoners incarcerated in politicized trials.

In cases regarding property claims, the laws implicitly favor ethnic Croats over ethnic Serbs. Approximately 1,750 mostly ethnic Serb property owners, who fled homes that were later occupied by ethnic Croats, were unable to access their property. The Government estimated that 54 houses remained illegally occupied, while the majority are legally occupied until the Government can provide a suitable alternative to the temporary occupant. Damage and looting of property prevented habitation of returned properties. Backlogs in the judicial system were a further impediment to timely resolution of housing disputes.

In March, the Government established a commission to expedite implementation of an agreement with the ethnic Serb party to resolve refugee returns issues. During the year, the Government intensified its refugee return efforts, particularly in the areas of reconstruction and repossession of illegally occupied homes.

During the year, the Government made significant progress in providing reconstruction assistance, with approximately 80 percent going to ethnic Serbs; however, the Government did not implement its plan to facilitate the return of largely ethnic Serb refugees by making available state housing to those who previously enjoyed occupancy and tenancy rights outside war-affected areas in the former Socialist Republic of Croatia. The Government began a public information campaign in September and extended the deadline for applications from potential beneficiaries for areas outside war-affected areas until September 2005.

In July, the ECHR determined that termination of one holder's occupancy or tenancy rights did not violate the right to a home or to peaceful enjoyment of possessions. Despite that decision, the Government reconfirmed its interest in providing a housing solution for all who seek one. In December, the ECHR accepted the case for referral to the Grand Chamber at the applicant's request.

The 2002 amendments to the Laws on Areas of Special State Concern (LASSC) introduced measures designed to facilitate property restitution, in practice the law continues to subordinate the rights of private property owners to those of temporary users. The Government has evicted most illegal occupiers of private property. In cases of legal occupancy, physical repossession of a property by its rightful owner occurred only when the occupier decided that he or she no longer needed the property.

The State Attorney is responsible for conducting the eviction process against those who are illegally occupying houses; however, prosecutors on occasion did not initiate lawsuits against individuals who refused to vacate occupied premises.

The LASSC obligated the Office of Displaced Persons and Refugees to make administrative decisions on repossession. The amended law further obligates the Government to pay compensation to the legitimate owners if it failed to return their properties physically by December 2003; however, approximately 1,500 of 4,000 eligible owners received a compensation payment.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Police were sometimes unwilling to intervene in housing disputes, which occasionally involved attack against property, looting, and arson (see Section 5). There were allegations that the police did not always remain impartial and uphold the law when it came to housing disputes between ethnic Croats and ethnic Serbs. For example, in Vojnic, police did not intervene on any occasion, despite requests from the original owner that the property was being damaged and that an illegal occupant renovated the property without proper permits. He continued to use it for business purposes and was offered alternative housing, but refused to vacate. Also, near Hrvatski Kostajnica, when a woman whose home was being looted called police, they took no action, indicating that they would not take action unless the incident became violent.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, and the Government generally respected these rights in practice and did not restrict academic freedom; however, government officials attempted to influence national television.

The privately owned Tisak distributed approximately 75 percent of the print media. Foreign newspapers and journals were available in urban areas throughout the country; however, they remained largely inaccessible to many persons due to their high cost. The Government owned and operated the national television and radio network (HRT), which produced the daily newspaper of record. Political parties, private companies (some foreign-owned), and the Government owned or influenced various newspaper and magazine outlets.

Print media were becoming increasingly susceptible to promoting media owners' political and business interests. Media experts indicated that while political pressure on the media was decreasing, the public was increasingly subject to reporting described as contrary to the law, to morals and ethics. These same experts also reported that money was increasingly controlling and influencing media impartiality, making journalists vulnerable to pressure by owners and editors.

Despite the 1-year old media law, transparency in media ownership has not been fully achieved.

The Government did not interfere in the editorial decisions of the print media; print media were more susceptible to media owners' political and business interests, and increasingly became tools of various interest groups. In July, the HHO reported that political pressure on the media continued to decrease, but that unethical reporting remained a problem. During the year, one media expert also expressed concern because of the lack of transparency in media outlets, for example in ownership structures and financial resources.

Independent television and radio stations existed in the country. Two out of three national television stations are private television stations. The first commercial television station, Nova TV, was sold to Central European Media Enterprises (CME) in July. RTL TV started broadcasting in April. They, along with public HRT, broadcast on the national level and broadcast daily independent news programs.

There were reports of incidents involving Government officials who tried to influence reporters of the national television service, HRT. In May, a cabinet minister and one of two vice presidents called HRT during broadcast and demanded that the program editor immediately deny a story that was being aired and threatened to impose a value-added tax on the national television subscription fee. In a July television interview, the same official hinted that the HRT television journalist was an ethnic Serb and thus inimical to Government projects. There were also reports of the other Government vice president calling a HRT television editor and asking them to change a story. In July, a Deputy Prime Minister phoned a HTV journalist before the airing of a story claiming that the Government had failed on its promise to establish an alimony fund. The Deputy tried to convince the journalist to change the story, although she did not threaten the journalist.

According to HRT's own opinion poll in October, approximately 35 percent of the population relied on the Government-owned evening news program (HTV). While both privately-owned national television stations, Nova TV and RTL, were primarily entertainment stations with limited news offerings, more persons started watching their news programs, draining viewers from HRT/HTV.

In September, the Speaker of the Parliament expressed dissatisfaction with HRT's television news programs and announced that the legislation governing HRT should be changed so that it would result in personnel changes at HRT's television news services. The leadership met with HTV representatives to convey numerous objections to HRT's television coverage, and threatened to abolish HRT's subscription fee if the situation did not improve. The HHO Media Council and the Association of Croatian Judges (UHS) condemned the meeting as attempted political interference in television programming. The press did not report any such condemnation, but the HHO leader and UHS President said in separate phone interviews that they held the Speaker of Parliament responsible for what happened.

Local electronic media was susceptible to political pressure since most outlets were at least partially owned by local Government. Approximately 70 percent of the media was partly or fully owned by local government authorities and, depending on ownership share, was susceptible to pressure. Approximately 46 percent of local radio stations depended financially on the support of local authorities and their annual conference, journalists expressed belief that some of their colleagues practiced self-censorship as a result.

In August, a Slobodna Dalmacija journalist claimed to have received death threats from the head of the Lovinac town branch of the ruling political party, HDZ. The official allegedly threatened her with bodily harm because he was displeased with her article that said that he belonged to the committee that decided to erect a monument in a nearby town to the World War II Ustasha official Mile Budak. Police filed charges against the official, who denied the allegations. The national-level deputy speaker of HDZ announced that the official would face political consequences if the charges were proven.

Parliament passed a new media law on April 30, which aims to ensure independence of the media, protect the source of information and copyrights, and limit concentration of ownership in the print media market. However, the new law does not include sanctions against journalists who refuse to reveal their sources.

Despite a 2001 amendment to the Criminal Code aimed to decriminalize it, libel remained a criminal offense. A large number of libel cases from previous years remained unresolved due to the inefficient judicial system. In recent years, there were no reports of politically motivated verdicts in libel cases; however, in July, the OSCE expressed concern that a journalist was sentenced to prison for libel. The Split Municipal Court sentenced journalist Ljubica Letinic to a 2-month suspended prison term. In another case, the editor-in-chief of the former Novi Brodski List refused to pay a fine for libel and thus was required to serve a prison term.

The Croatian Journalists' Association (HND) agreed in part, that slander and libel should be eliminated from the Criminal Code and instead be regulated by the Civil Code. However, the Government took no steps to decriminalize it during the year.

Although the Croatian News Agency (HINA) became a public institution in 2001, by year's end, the Government still provided most of its funding, making it parastatal, even though the Government did not control its news content.

The Government did not restrict access to the Internet.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice.

The law permits assembly for registered demonstrations at approved locations; while the process for approving or denying the registration of an assembly was not transparent, there were no reports that it was used discriminatorily. During the year, there were several peaceful demonstrations and marches throughout the country organized by labor groups and farmers' opposed to

government policies.

The Constitution provides for the right of association, and the Government generally respected this right in practice.

Although the Law on Associations provides for these rights, the Law on Funds and Foundations grants discretionary power to the Ministry of Justice over the establishment and internal governance of foundations. While the law was applied equally to all, the law itself is restrictive and controlling.

For example, the law provides that organizations will not be entered into the registry if their statutory goals are deemed trivial or if their property is not deemed sufficient to carry out their statutory activities. The Government also is permitted notable influence in the appointment of the organization's management body. According to the Ministry, registration of a foundation takes up to 6 months, provided that all submitted documents were in order. Currently, 71 foundations are registered.

### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

There is no official state religion; however, the Roman Catholic Church enjoyed a historic relationship with the State that was not shared by other religious groups. Other religious groups also have agreements with the State, that grant benefits similar to those enjoyed by the Catholic Church. State financing of salaries of religious workers; provision of spiritual counseling in state institutions such as the army, police, and prisons; and the recognition of religious marriages were among the main points of the agreements. The Government offered a similar agreement to the Jewish community; however, its signing fell through in 2003 over the key issue of return of nationalized property and remained unresolved by year's end.

In 2003, the Government approved a regulation on the registration of religious communities, granting them the status of a legal person. The Government reported that it registered 10 religious communities during the year, which brought the overall number of those registered to 38.

The Government required that religious training be provided in schools, although attendance was optional. Eighty-five percent of the population was Roman Catholic. As stipulated in all agreements signed with religious communities, schools that met the necessary quota of seven students of a minority faith per class offered separate religion classes for the students. In cases where there were not sufficient numbers of students of a minority faith to warrant separate classes, students could exercise the option of receiving religious instruction through their religious community.

Little progress was made in the restitution of nationalized property to most major religious communities. The Bishops' Conference reported that the joint sub-commission for property restitution to the Catholic Church was active during the year and, while the Government acted in good faith, results varied in different bishoprics. In June, in exchange for nationalized property, the Church took over a former hospital building in Osijek. In September, Rijeka University provided the Church with a building to compensate for the church-owned property that it has been using.

The Serbian Orthodox Church, the second largest claimant of property after the Catholic Church, reported that its joint restitution sub-commission with the Government had not met with the Government during the year. In June, it reported one restitution, that of a building that houses County offices in Karlovac. According to sources, the current Government made no progress in reconstruction of some 25 churches that the previous Government approved and for which it had begun project documentation. However, the Government approved funding in November for reconstruction of the St. Nicholas church in the center of Karlovac. Reports indicated continued improvement of the general atmosphere and cooperation with the Government, but noted a lack of concrete results. Similarly, the Jewish community has not recovered a synagogue in Bjelovar, properties in Zagreb, or holiday resort buildings in Ravna Gora and Crikvenica. In June, the Jewish community of Osijek repossessed land in Vukovar where a synagogue was once located.

In June, a member of the municipal council in Dubrovnik commented on a potential Jewish hotel investor that when "choosing between Serbs and Jews, Jews were still a greater evil." Local authorities and the Government condemned the comments; the local branch of the ruling HDZ party took no disciplinary action against the party member.

Despite overall reports of increasing tolerance towards Orthodox Serbs, sources reported that the climate in the Dalmatia region had generally deteriorated throughout the year. In addition to threats from the local population, they reported a lack of responsiveness and protection from police. For example, in the village of Kistanje, there were reports of persistent harassment of the Orthodox clergy and the ethnic Serb population.

In June, the Orthodox priest in Kistanje was forced to move to a nearby village after repeated threats and after his house was pelted with stones. Police did not investigate. Local Orthodox Serb children who attend religious classes were frequently harassed and beaten by other students.

In July, Orthodox parish priests in Sibenik and Zadar were harassed in the city streets and complained of insufficient police response.



In August, unidentified perpetrators overturned five tombstones at an Orthodox cemetery in Podum. In two separate incidents in August and September, unidentified perpetrators sent threatening letters and set on fire Muslim-owned cars in the village of Gunja in Eastern Slavonia.

In September, a fascist Ustasha symbol was sprayed on the new door to the church in Kistanje. Police identified no suspects. In Knin, individuals on several occasions, including in September, shouted phrases such as "Kill the Serb" at the Orthodox clergy outside the church of St. Pokrov, but police reportedly declined to take action.

The Muslim Community faced harassment and discrimination on isolated occasions. The Muslim Community reported that local authorities were slow in approving plans and issuing permits for building a mosque in Rijeka. Leaders partly ascribed the stalling to a renewed pressure in December from the local population, which wrote letters opposing construction in that location. The Islamic Community accepted a project plan by in September and submitted the plan to the city in November.

In June, a Muslim flag was burned at the entrance to the Muslim cemetery in Osijek. In July, unknown perpetrators desecrated 24 tombs at the same cemetery. They set fire to wreaths on the grave of the recently deceased wife of the local Imam and sprayed swastikas and fascist messages on 24 graves. Police investigated; preliminary indications were that a group of local youths was behind the incident.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. All persons must register their residence with the local authorities and, under exceptional circumstances, the Government legally may restrict the right to enter or leave the country if necessary to protect the "legal order, health, rights, or freedoms of others."

Freedom of movement continued to be constrained for returning refugees and internally displaced persons (IDPs), who lost tenancy rights and experienced difficulties in regularizing their status because they had no permanent residence (domicile), which is a precondition for acquisition of a civilian ID.

International observers remained concerned that fear of arrest of ethnic Serbs for war crimes, often based on weak evidence, dissuaded some refugees from returning. Of the 25 ethnic Serbs arrested on war crimes charges, 20 were returnees. The Constitution prohibits forced exile of citizens, and the Government did not employ it.

The Government's procedures to verify and document citizenship improved during the year; however, there were some reports of obstruction by some local officials. Some local officials applied procedures inconsistently, for example, refusing applicants who listed their permanent address as a collective center. Cases existed in which Serb returnees experienced difficulties in obtaining identity cards and other forms of documentation that would allow them to verify their citizenship status.

The law distinguishes between those who have a claim to Croatian ethnicity and those who do not and requires non-Croats to satisfy more stringent requirements. These requirements prevented some ethnic Serbs from obtaining citizenship, which led to discrimination in other areas, such as housing return. While their citizenship applications were pending, applicants were denied social benefits, including medical care, pensions, free education, and employment in the civil service.

An ongoing impediment to the return and reintegration of ethnic Serb refugees was the frequent failure of the Government to recognize or "convalidate" their legal and administrative documents from the period of the 1991-95 conflict. Without such recognition, citizens (almost exclusively ethnic Serbs) remained unable to resolve a wide range of problems, including pensions, disability insurance, and the ability to establish work experience.

The new Law on Foreigners entered into force on January 1. The law's transitional provisions enabled former habitual residents to return and regularize their status. The law states that if they return within 12 months, they will be reinstated into their pre-war status as former habitual residents without any further requirements, such as meeting housing and financial criteria, and could subsequently apply for citizenship. During the year, the MUP issued 160 identity cards to foreigners and conducted a review of 76 permanent residency documents of Croatian Serb returnees who were habitual residents of the country prior to 1991. However, international monitors reported that the Ministry followed different procedures and varied its interpretation of its own internal guidelines from case to case. In December, the Government extended the deadline for applications to regularize status. Due to a lack of information, many potential claimants were unaware of the possibility to regulate their status. The Ministry initiated a procedure to cancel the permanent residency status of 2,700 persons.

A significant number of IDPs remained in the country, although not all were under the Government's direct care (approximately 1,698 ethnic Serb IDPs in the Croatian Danube Region did not hold official IDP status). In December, the U.N. High Commissioner for Refugees (UNHCR) reported that there were 7,540 IDP's in the country (mostly ethnic Croats originating from the Danube region) and 3,656 refugees (mostly from BiH). These numbers did not fully reflect an additional 140,000 former refugees (nearly all ethnic Croats from BiH) who have become citizens and residents of the country.

President Mesic and the Prime Minister continued to make public statements encouraging the return and reintegration of all citizens to their prewar homes.

Despite an ongoing government program to reconstruct thousands of homes damaged in the 1991-95 war, government officials, NGOs, and international observers assessed that the returns process was nearing its completion with significant changes in the ethnic composition of most communities. The return of ethnic Croats to their prewar domiciles was virtually complete. An OSCE survey indicated that the majority of Croatian Serb refugees did not want to return to their prewar domiciles. While ethnic tensions continued in the Danube region and parts of Dalmatia, the overall security situation was stable (see Section 5). The largest disincentive to returns was the poor state of the regional economy and the absence of a concrete solution that provides housing to former tenancy rights holders.

The restitution of occupied private property to (mostly ethnic Serb) refugees returning to the country significantly accelerated the process of reconstructing damaged housing. The Government worked on reconstructing 9,000 housing units during the year. Property restitution improved, although the Government continued to give preference to the rights of temporary occupiers, mostly ethnic Croats, over those of the legal owners.

Looting of occupied properties remained a problem; an estimated one-fifth such houses were looted before being returned to the legal owner. The number of legally occupied properties decreased from approximately 3,500 in January to approximately 1,197 in September. The problem of illegal occupancy cases was reduced from approximately 500 cases in January to approximately 54 in December; however, the process did not always result physical repossession or return of refugees as the Government often purchased the refugees' homes at favorable prices. The issue of former-tenancy rights holders of socially-owned property remained largely unaddressed, preventing these persons (mostly ethnic Serbs) from returning to their prewar apartments (see Section 1.e.).

The Government allowed free access to all displaced persons by domestic and international humanitarian organizations and permitted them to provide assistance.

The Government cooperated with the UNHCR and other humanitarian and international organizations in assisting refugees and returnees. By the end of December, in returns organized by the UNHCR and the Government, 12,478 persons who were refugees in the former Yugoslavia were repatriated to the country. According to the Government, approximately 115,148 refugees (mostly ethnic Serbs) have returned to the country since 1995.

A new asylum law entered into force in July and provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. During the year, the Government did not grant asylum to any asylum seeker.

Asylum seekers also have access to a judicial review with the Administrative Court, which was limited to procedural issues. In May, the Government approved funding for construction of a state asylum reception center, scheduled to open in late 2005. In July, the Government entered into an agreement with the Croatian Red Cross that covers the maintenance costs of the interim asylum center, pending opening of the Government center. In August, the Government appointed an appeals commission to conduct a substantive review of cases of asylum seekers who were rejected in the first instance. UNHCR expressed concern that the commission appointments were under Government influence. The UNHCR closely followed up on individual cases that were deported or returned by government authorities to BiH and SaM.

### Section 3 Respect for Political Rights: the Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections on the basis of universal suffrage; the OSCE judged the 2003 parliamentary elections to be free and fair, however, it expressed a few concerns including the legislative framework for elections, the short timeframe available for election administration, the accessibility of out-of-country voting (particularly for refugees in SaM and BiH), and the lack of transparency in campaign financing.

The Citizenship Law and electoral legislation grant citizenship, and thereby the right to vote, on purely ethnic grounds to ethnic Croats abroad with no genuine link to the country; however, in 2000, the Government failed to ensure that many Croatian Serbs, who fled in 1995 and who wished to assume the responsibilities of citizenship, could document their citizenship in order to vote and ultimately to return. At year's end, the law still had not been amended to rectify this problem and create equal citizenship conditions regardless of ethnicity.

Corruption was perceived to be widespread; however, the Government took steps to address it. NGO surveys and anecdotal evidence indicated that for citizens, two areas of most common corruption were in health service and land registration. The Ministry of Justice, with help from the international community, began to make progress in the latter area.

Early during the year, several nominations for assistant minister posts were withdrawn after allegations of corruption were raised. A new parliamentary Commission for the Prevention of Conflict of Interest was formed during the year; however, political infighting and an overly broad mandate limited its effectiveness. For the first time officials had to publicly declare their assets.

During the year, an increasing number of allegations of corruption by senior government or ex-government officials were investigated, including cases against former Foreign Minister Mate Granic and Nevenka Tudjman, the daughter of late-President Franjo Tudjman. However, at year's end, prosecutors had failed to secure a conviction in a high-level corruption case.

The powers of the Government's Office for the Prevention of Corruption and Organized Crime ("USKOK") were strengthened during the year to close gaps in its authority to manage criminal investigations. However, the country's institutional ability to combat corruption remained unproven. The failure of USKOK to secure more than a few indictments demonstrated the immaturity of the judicial system to handle corruption investigations, stemming in part from the lack of a common definition of what constitutes corruption. The investigation of a former foreign minister (and president of one of the parties in the ruling coalition) highlighted the failings of the investigative and judicial systems, but was ostensibly free of political interference.

A new, more comprehensive judicial reform program implemented by the Justice Ministry early in the year includes reform and specialization of the judiciary to improve the efficiency and raise the level of expertise of the court system.

Government transparency was addressed in a 2003 law that guarantees the right to access government information. In September, several international organizations recommended improved education of and implementation by public authorities of the law, which is unevenly applied.

There were 33 women in the 152-seat Parliament, including 2 women in positions of Deputy Speaker. There were 4 women in the 15-seat cabinet, including the Deputy Prime Minister and the Minister of Justice. There were 4 women out of 13 Constitutional Court Justices and 20 women out of 40 Supreme Court Justices.

The electoral law reserves up to eight parliamentary seats for ethnic minorities. There were 11 members of minorities in the 152-seat Parliament, of which 8 were elected as minority representatives. Minority participation in the November 2003 elections was mixed, but generally stronger than in 2000, as voters elected three M.P.s to represent the country's Serb minority, and one each for the Italian and Hungarian communities.

The law stipulates that ethnic minorities must be represented in local government bodies, provided the census shows that a minority group constitutes at least a specified percentage of the local population. This provision of the law was generally implemented following an agreement in December 2003 between the Government and the Independent Democratic Serb Party (SDSS).

In 2003, the SDSS signed an agreement with the Government in exchange for a commitment from the Government on the full return of refugees, the restitution of illegally used Serb property within 6 months, and compensation for destroyed property outside of areas covered by the existing Reconstruction Act. The agreement also committed the Government to fulfill, within 3 months, provisions within the Constitutional Law on National Minorities that guarantee minority representation in local and regional Government units. This commitment was generally carried out by local and regional elected representative bodies; however, the Government's commitment to ensure proportional representation in the police, judiciary and public services was not systematically addressed.

During the year, the Government established the National Minorities Council and supported training for local minorities councils, which were designed to advise local government bodies on policy issues of interest to minority communities. However, these local minority councils remained under-funded and not fully engaged.

In November, Prime Minister Sanader signed with his Serbian counterpart Kostunica an agreement on mutual protection of ethnic minorities. The agreement binds the governments to preserve the current level of minority rights protection and domicile countries are bound financially to assist preservation of respective minorities' cultural identity.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were often cooperative and responsive to their views.

There were no reports of Government harassment of NGOs. The Government's Office for Cooperation with NGOs and other Government ministries and offices were active in coordinating and promoting NGO and Governmental efforts on human rights and civil society.

The Government generally cooperated with the ICTY but at year's end, one of the most wanted ICTY indictees remained at large. The ICTY liaison office in Zagreb reported that the Government's cooperation with the court has markedly improved. The Government complied with all outstanding requests for information and evidence. In July, the Government transferred former Croatian Army General Mirko Norac, already serving a 12-year sentence on domestic war crimes charges, to The Hague to stand trial for the murder of civilians in the 1993 Medak Pocket operation. Former General Rahim Ademi voluntarily surrendered to the tribunal to face the same charges. In May, six Bosnian Croats turned themselves in and were subsequently transferred to ICTY. The Government facilitated their transfer to ICTY and provided guarantees for their pre-trial release. Questions remained

about the Government's diligence in tracking down 2001 indictee former General Ante Gotovina. The lack of progress in locating Gotovina called into question the seriousness of the Government's efforts to fulfill its legal and political commitments to the ICTY.

The parliamentary Ombudsman for human rights received and acted on individual citizens' complaints; however, its authority to order compliance from Government ministries was limited. In December, the Parliament unanimously appointed the new Ombudsman. Aside from the Ombudsman's office, Parliament maintained an independent human rights committee tasked with human and minority rights and a separate gender equality committee. Both committees, in cooperation with ministry and other experts, were effective in drafting and recommending laws, in establishing relevant committees at the local level, and in raising awareness of their issues.

The Government's Office for Human Rights is the primary office responsible for developing, coordinating, and implementing the Government's human rights policies. The Office was generally effective in cooperating with NGOs and the international community. It launched awareness-raising campaigns to promote general tolerance and care for disadvantaged and elderly persons and coordinated activities to prevent trafficking in persons.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on gender, age and race; however, discrimination against women, ethnic Serbs, and Roma continued.

##### Women

Police statistics showed that domestic violence against women was on the rise with over 50 percent more cases registered in the first 3 months of the year than in the same period of the previous year. The number of registered victims in that period was 3,426, of which women comprised over 66 percent. Alcohol abuse, the psychological consequences of war, and poor economic circumstances were generally considered aggravating factors. The law provides that a domestic violence case may be initiated by persons other than the victim, including by the police. Under this law family violence is treated as a misdemeanor; penalties range between \$166 to \$1,660 (1,000 to 10,000 Kuna) or up to 60 days in prison. Under the Criminal Law, for the same acts, perpetrators can face up to 3 years in prison. NGOs complained that the courts were slow to schedule first hearings, issued few convictions, and administered only minimum prison sentences and fines. NGOs specializing in domestic violence criticized the police rulebook that left discretion to police to assess the threat levels when administering restraint orders and other measures. The law requires that witnesses or those with knowledge of domestic violence or child abuse--such as teachers, counselors, or health workers--report their suspicions to relevant authorities.

In December, the Government adopted a 2-year strategy on protection from family violence consisting of short- and long-term measures. The measures focused on family violence prevention, including amending present legislation to bring it in line with international standards and training of all relevant agencies and the judiciary.

The OSCE reported that it had not received any complaints regarding police performance in handling domestic violence cases. During the year, NGOs actively participated in drafting the national strategy on protection against family violence, but complained that no budget for its implementation was attached. Their cooperation with state institutions was mixed; they received reduced levels of state funding, but commended the police for better handling of domestic violence cases.

Four shelters existed for victims of domestic violence (one in Karlovac, and Caritas operated shelters in Rijeka, Osijek, and Sibenik). In addition, there were hotlines, counseling, and legal assistance programs targeting victims of domestic violence.

Rape and spousal rape are illegal under the Penal Code; however, NGOs reported that many women did not report rape or spousal rape. According to a survey conducted by Autonomna Zenska Kuca in 2003, 34 percent of women have experienced unwanted sexual relations at least once in their lifetime.

Prostitution is illegal but occurred.

Trafficking in women for the purposes of sexual exploitation remained a problem (see Section 5, Trafficking).

The law prohibits sexual harassment in the workplace; however, it was a problem. According to a survey conducted during the year by Poslovni Forum, over 17 percent experienced sexual harassment in the workplace at some point in their career. According to trade unions, the problem was most pronounced in the textile and leather, trade, and catering industries. The Ombudsman and unions reported that they were working on sexual harassment cases, although many women were reluctant to take action for fear of reprisal.

The labor law prohibits gender discrimination; however, in practice, women generally held lower paying positions in the work force. Government and union statistics showed that women constituted an estimated 45 percent of the formally employed work force and, in August, they represented 58 percent of those registered as unemployed. The average women's wages were 10 percent below men's wages; even in the trade and textile processing industry, where women constitute the majority of the workforce, they were paid significantly less. In March, the Croatian State Institute for the Protection of the Family, Maternity, and

Youth released a study that showed half the companies surveyed did not have a single woman in a senior managerial position and less than 3 percent of companies had more than four women in such positions. Anecdotal evidence gathered by NGOs suggested that women held the preponderance of low-level clerical, labor, and shop-keeping positions. Women constituted a larger proportion of the unemployed--54 percent--and pension statistics indicated that women's salaries averaged 26 percent less than those of their male counterparts. Women often were among the first to be laid off in times of corporate restructuring.

The office of the Gender Ombudsman became fully functional during the summer and focused on monitoring the implementation of the Gender Equality Law including the submission of mandatory action plans for state institutions and public companies. The Government's Office for Gender Equality, established in March, was responsible for the implementation of the Gender Equality Law and drafting the state gender policy. During the year, the office focused on building the institutional network and assisting in the establishment of gender equality commissions in counties where they were still absent. It also organized seminars to assist these commissions in drafting gender equality action plans required by the new law. Parliament's Gender Equality Committee drafted amendments to several laws that affect women and children and criticized relevant ministries including the Ministry of Family, for their failure to draft projects, resulting in funds going unused.

The Croatian Women's NGO Network supported the activities of 50 NGOs from across the country. There were several NGOs that had an impact nationally on women's issues.

#### Children

The Government was generally committed to the rights and welfare of children. Education was free and mandatory through grade

eight (generally age 14). The majority of students continued their education until the age of 18, with Roma being the only notable exception. Romani children faced serious obstacles in continuing their education, including discrimination in schools and a lack of family support. An estimated 10 percent of Romani children begin primary school, and only approximately 10 percent of these go on to secondary school. Schools provided free meals for children, and subsidized daycare facilities were available in most communities, even for infants. Medical care for children was free.

NGOs operating hotlines for sexual abuse victims reported numerous cases of child abuse, although there was no societal pattern of child abuse. The Ministry of Health and Social Care reported that there were 62 cases of criminal acts against children in 2003 and noted a steady increase of such criminal activities since 2001. Of these criminal acts, 56 were related to child abuse and pornography, and 6 to international prostitution. Amnesty International reported on the inability of authorities to prevent violence among children in social care institutions and expressed concern that minors were placed in institutions with adults. In October, the U.N. Committee on the Rights of the Child voiced concern about the violation of children's right to privacy in the media. The committee recommended that authorities take necessary measures to ensure that the media fully respect a child's right to privacy. In response, the State Prosecutor instructed the media on domestic legislation that prohibits publication of information revealing a child's identity if it endangers the child's well-being.

#### Trafficking in Persons

The law prohibits trafficking in person; however trafficking in women was a problem. The amended Criminal Law became effective in October. It contains an article that defines trafficking in persons as a crime separate from slavery and provides penalties between 1 and 10 years for traffickers. The minimum penalty for trafficking crimes committed against a minor is 5 years' imprisonment. In addition, if the crime was committed by a criminal organization and resulted in a death, the penalty is 5 years to life imprisonment. During the year, no persons were prosecuted under the new law, although there was one trafficking-related conviction under the law against slavery.

According to the Office of the State Prosecutor, one person was charged and three reported for trafficking in persons during the year. One person was convicted and three were reported for establishing slavery; eight persons were either reported or indicted for organized prostitution. The MUP reported 19 persons as victims of trafficking during the year, mostly foreign citizens from SaM, BiH, Ukraine and Russia.

Police awareness of the problem has improved significantly; however, failure to identify trafficked women among illegal aliens smuggled into the country was a serious problem that resulted in a significant underestimate of the trafficking problem in the country. In 2003 and during the year, the police academy provided comprehensive training for border police and organized crime police. Trafficking in persons training was added to the academy's curriculum.

The country was primarily a transit country for women trafficked to other parts of Europe for prostitution, as well as a lesser but increasing, source and destination country for trafficked women. Women from Hungary, Ukraine, Romania, Bulgaria, Slovakia, and other countries reportedly were trafficked through BiH and SaM to the country, where some remained to work as prostitutes or were trafficked to other destinations. Women were transported through the country by truck or boat. In addition, women from Albania, BiH, Bulgaria, Hungary, Macedonia, Moldova, Romania, Slovenia, and SaM were detained in incidents of illegal entry into the country; some of these women were believed to be victims of trafficking. Refugees, displaced persons, and young persons are most at risk of being trafficked. Anecdotal information indicated that international organized crime groups, local groups, and travel or marriage agencies were responsible for trafficking. The average age of reported victims was 24 years.

Victims were subject to violence, intimidation, withholding of documents, and threats by traffickers.

There were no confirmed reports that government officials were involved in trafficking.

There were support services available for trafficking victims. The Government provided shelter for trafficking victims and either deported them or provided residency documents. In 2003, the Government established a shelter for victims; local NGOs and the IOM, in cooperation with the Ministry, provided services to the shelter. In addition, three reception centers were established, in cooperation with the Croatian Red Cross--in Western, Central, and Southern Croatia--to accommodate victims temporarily. The Government also assisted an NGO to operate a hotline.

In January, a witness protection law entered into force that defined the conditions under which state protection is granted when a witness' life, health, freedom, or property are threatened; however, it was not used in any trafficking-related case during the year.

On December 15, the Government adopted a national action plan that was created by an independent working group of government, civil society, and international organization members. The plan is supposed to be implemented starting in 2005.

#### Persons with Disabilities

There was isolated discrimination against person with disabilities in employment, education, access to health care and in the provision of other state services.

The law mandates access to buildings for persons with disabilities; however, the Government did not always enforced these provisions and the law did not mandate that facilities be retrofitted. As a result, access to public facilities was limited.

#### National/Racial/Ethnic Minorities

Constitutional protections against discrimination are applied to all minorities; however, in practice, a pattern of open and sometimes severe discrimination continued against ethnic Serbs and Roma. There was some discrimination against minorities in schools. For example, textbooks used derogatory adjectives in reference to minorities.

Local and international NGOs reported a tangible improvement in the atmosphere for ethnic minorities during the year, attributed in part to the 2003 agreement with the ethnic Serb party. On several occasions, the Prime Minister and members of his cabinet visited the homes of ethnic Serb returnees and expressed the Government's commitment to ensuring returns of ethnic minorities and their equal treatment. However, violence against Serbs occurred occasionally. In March, two persons physically assaulted an elderly Serb in his house in Zemunik Gornji, injuring his shoulder, destroying furniture and stealing several household items. The police investigated and identified three minors from the nearby village of Skabrnja. The local population protested against the investigation; however, the perpetrators were charged.

In June, a group of Croatian soccer fans physically attacked a Serb family in the village of Sotin in Eastern Slavonia. A woman sustained a head injury and two other family members were slightly injured. Police charged the attackers with disturbing public order.

In July, a young ethnic Serb was physically attacked in a cafe in the coastal town of Vodice. Four ethnic Croats verbally abused him and hit him with bottles and ashtrays causing injuries that required hospitalization. The police initially fined perpetrators for a misdemeanor charge and disturbing public order.

The OSCE reported on several ethnically related incidents where the perpetrators were charged with misdemeanor offenses, such as disturbing public order, rather than criminal offenses. In a majority of the cases, police and prosecutors were reluctant to identify the cases as ethnic discrimination.

In several areas, including in administration of justice, employment, housing, and freedom of movement ethnic, Serbs were discriminated against (see Section 1.e. and 2.d.). Ethnic Serbs in war-affected regions continued to be subject to harassment and discrimination.

In August, a plaque honoring a Government minister from the fascist Ustasha regime was placed by members of the diaspora outside a church in the Lika region. The incident drew immediate condemnation from the President and Government and, in the presence of police, the Government removed the monument. In addition, several municipalities removed street names honoring the same individual. Also in August, the Government removed another monument in the town of Slunj commemorating a fascist military leader.

In December, police pressed charges against seven persons who displayed Ustasha insignia at the gathering of the local guard association from the Second World War. Fifty persons participated in the event during which photos of Ustasha leader Ante Pavelic and the fugitive general Ante Gotovina were displayed in a hall and then carried through the town. The Speaker of Parliament and the Mayor of Zadar, (where the demonstration was held) condemned the incident.

In August, an ethnic Serb hoisted a flag with a Chetnik coat of arms and a slogan on the roof of his house in Borovo Selo near Vukovar. The police confiscated the flag and pressed charges against the house's owner.

Vandalism and looting of Serb property, including ethnic Serb housing, was also a problem. There was also one report of destruction of ethnic Serb housing. On two occasions during the year, a Serb NGO headquarters was broken into and data regarding Serb returnees, a camera and a computer were stolen. In the past 5 years, the organization has experienced eight break-ins and believes they were politically motivated. Police identified no suspects.

In February, local NGOs registered a series of incidents involving Serb returnees in the Zadar hinterland area. In most cases, police conducted investigations, but rarely discovered perpetrators or made arrests. The newly reconstructed house of a Serb returnee in the village of Biljane Donje, which was repeatedly vandalized, looted and subjected to arson, was set on fire again in February accompanied by the note that there was no return for Chetniks. In May, OSCE and government representatives visited the village drawing widespread media attention and the house was subsequently reconstructed. The police investigated, but did not identify the perpetrators.

In February, an ethnic Serb returnee reported that the windows in his reconstructed house in the village of Gornja Obrijez in Western Slavonia were shot at.

A newly reconstructed house belonging to an ethnic Serb in Lisane Tinjske was damaged and looted on several occasions during the year.

Violence, harassment, and discrimination against Roma continued. The 2001 census counted only 9,463 Roma in the country, but officials and NGOs agreed that the true number may be between 30,000 and 40,000.

Roma faced many obstacles, including language (many Roma, particularly women, had only limited Croatian language skills), lack of education, lack of citizenship and identity documents, high unemployment, and widespread societal discrimination. Romani NGOs estimated that 25 percent of Roma did not have citizenship documents and thus could not obtain papers necessary to acquire social benefits, employment, voting rights, and property restitution.

In December, the Government adopted an action plan aimed at integrating Roma into the society in the next 10 years. The plan complements the national program for Roma adopted in 2003. The MUP formed mobile teams to educate Roma on the procedure for obtaining citizenship and other documents. In March and May, the Government organized a training seminar for Romani youth on participation in state- and local-level decision-making processes with support of the OSCE and Council of Europe. A local NGO began a pilot project for Roma and other vulnerable children with the goal of integrating them into society and educating teachers and parents. According to the Council of Europe only 1.8 percent of Roma had temporary employment and only 6.5 had permanent jobs. It was estimated that 21,000 Roma live on social assistance.

International organizations and local NGOs continued to report the practice of holding separate classes (allegedly of lower quality) for Romani students in the northern part of the country. A 2003 case regarding segregation of primary school classes in the northern Medjimurje region remained pending before the Constitutional Court at the year's end. In December, the European Center for Roma Rights (ECRR) and HHO filed a lawsuit against the country with ECRR in Strasbourg seeking justice for 15 Roma children who were allegedly subjected to racial discrimination in elementary schools. HHO complained that the Ministry of Education ceased to fund pre-school education for Roma children, which existed in six schools in Medjimurje in 2003.

The HHO noted that at least four primary schools included in the indictment continued the practice of segregated classes during the year. The schools failed to organize mixed primary school classes after receiving pressure from parents; they cited a lack of social and psychological skills of Romani children as grounds for their failure. In January, several dozen residents of the village of Drzimurec-Strelec protested against the building of a new wing of a primary school for Romani children, who constituted a majority in the first four grades. Ministry of Science, Education and Sports and County authorities renovated the building, and the school opened for the start of the school year. HHO commended schools in Drzimurec Strelec and Orehovica for continuing to employ Roma assistants who were helping students to overcome the language barrier.

#### Other Societal Abuses and Discrimination

There was some societal discrimination against homosexuals. In November, four youths attacked the home of the president of a gay rights group, throwing a garbage can against his house and a brick through the window. The victim was able to identify the perpetrators; the police brought charges against the perpetrators for damaging property but not criminal charges for threatening the victim.

A recent survey of employers showed that one-third would not willingly employ workers who declared themselves to be homosexuals. Another third answered that they would employ homosexuals in their companies as long as they fulfilled all the criteria for the position. The remaining third claimed that sexual preference played no factor whatsoever in their employment policies.

Societal discrimination against people with HIV/AIDS remained an issue. In November, the media carried sensationalist articles

on a trafficking victim in Mostar who died from AIDS.

In December, a man from Split was publicly accused of intentionally spreading HIV; though the allegations were later rescinded, the man claimed he was forced to close his business due to public pressure.

In September, HIV-infected sisters Ela and Nina began the school year without incident, in contrast from the previous year, when parents protested that their children might attend classes with an HIV-infected student and withdrew their children from the school.

## Section 6 Worker Rights

### a. The Right of Association

Workers are entitled by law to form or join unions of their own choosing, and workers exercised this right in practice. Approximately 64 percent of workers were members of unions. Unions generally were independent of the Government and political parties.

The Labor Code prohibits antiunion discrimination and expressly allows unions to challenge firings in court and, unlike in previous years, there were no reports of antiunion discrimination. In general, citizens' attempts to seek redress through the legal system were seriously hampered by the inefficiency of the court system, where cases often languished for months or years before reaching a final resolution (see Section 1.e.).

### b. The Right to Organize and Bargain Collectively

Collective bargaining and the right to organize are protected by law, and workers exercised this right in practice.

The Constitution provides for the right to strike with some limitations. Members of the armed forces, police, government administration, and public services were not permitted to strike. Workers may only strike at the end of a contract or in specific circumstances mentioned in the contract after they have gone through mediation. Both public and private sector workers conducted strikes during the year. When negotiating a new contract, workers are required to go through mediation before they can strike over a new contract. Labor and management must jointly agree on a mediator if a dispute goes to mediation.

If a strike is found to be illegal, any participant may be dismissed and the union held liable for damages.

Following mediation in a labor dispute at Agrokombinat "Belje" in June 2003, unions played a positive role in promoting transparency of the firm's purchase during the year, criticizing the interference of local officials in the privatization process.

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits all forced or compulsory labor, including by children; however, there were reports that it occurred (see Section 5, Trafficking).

### d. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment of children is 15 years, and it was enforced by the Ministry of Economy, Labor, and Entrepreneurship in connection with the ombudsman for children and the state inspectorate. Workers under the age of 18 are prohibited from working overtime, at night, or under dangerous conditions. During the year, the Ombudsman for Children began operation and for the first time opened investigations on two possible cases of child labor.

The law proscribes the worst forms of child labor. Recent changes to the criminal code have criminalized trafficking in children for purposes of sexual exploitation and labor. A national ombudsman for children coordinates the country's efforts to prevent the exploitation of children and to assist in removing children from exploitative situations.

Since April 2003, in which five violations over the previous 16 months of child labor laws were found, no new data has been released.

### e. Acceptable Conditions of Work

The national minimum monthly net wage of \$276 (1,850 Kuna), which applies to all workers, did not provide a decent standard of living for a worker and family. The average monthly net wage was \$757 (4,352 kuna), which does not meet the minimum cost of



living as calculated by the country's largest trade unions.

Nonpayment and late payment of wages continued to be a serious problem. According to the Croatian Federation of Independent Trade Unions, in 2002, out of a workforce of 1.8 million, 48,400 employees did not get paid for their work, down from 165,000 in 1999.

The labor law provides for a standard workweek of 40 hours and workers are entitled to receive time-and-a-half pay for any work beyond that. Workers are entitled to a 30-minute daily break, a 24-hour rest period during the week, and a minimum of 18 days of paid vacation leave annually. The Labor Code stipulates conditions for overtime work, and limits overtime to 10 hours per week. The Government's Labor Inspectorate must be notified if overtime work for an individual employee continues for more than 4 consecutive weeks, or more than 12 weeks during a calendar year, or if the overtime work of all employees of a certain employer exceeds 10 percent of the total working hours in a particular month. Overtime by minors is prohibited. Pregnant women, mothers of children under 3 years of age, and single parents of children under 6 years of age, may work overtime only if they freely give their consent in writing to perform such work.

Health and safety standards are set by the Government and were enforced by the Ministry of Health; however, in practice industries often do not meet the standards for worker protection. The State Inspectorate (an independent governmental inspection and compliance agency) had jurisdiction over enforcement of health and safety laws at the workplace and annually compiled data on injuries and health and safety code violations. In 2003, the Inspectorate received 162 reports of employers violating work safety regulations. According to 2002 statistics, an average of 25,500 persons annually suffered injuries at work, of which 40 resulted in death. Under the law, workers may remove themselves from hazardous conditions at work and have recourse through the courts if they believe that they have been dismissed wrongfully for doing so; however, according to the State Inspectorate, workers did not exercise this right in practice and normally only reported employers after they had left their job.